

Appln No. 10/552,171

Amdt date December 18, 2007

Reply to Office action of September 18, 2007

REMARKS/ARGUMENTS

Claims 1-36 are pending in the application. Claims 1-22, 24-26, 29-31, and 33-36 have been rejected. Claims 23, 27, 28, and 32 have been objected to.

Claims 8, 13, 19, 22, 26 and 35 have been rejected under 35 U.S.C. 112, second paragraph, for being indefinite. Applicants have amended claims 8, 13, 19, 22, 26 and 35 to overcome the indefiniteness rejections.

Claims 1-7, 9-13, 24, 30-31 and 36 have been rejected under 35 U.S.C. 102 (b) over Smuk '679 (US 6,336,679). Claims 1, 14-18, 25, 29, and 33-34 have been rejected under 35 U.S.C. 102 (b) over Smuk '533 (US 6,152,533). Claims 1, 14 and 19-22 have been rejected under 35 U.S.C. 102 (e) over Taubmann, et al. (US 7,156,463).

The Examiner indicates allowability of claim 8, which depends on claim 7, because the "seat bottom is displaced by folding of the backrest via the coupling member and elastic element: wherein as the backrest is folded, firstly the elastic element is deformed without any shading displacement." (*See Office action, page 7*). Accordingly, Applicants have amended claim 1 to recite that the coupling member is connected to an elastic element supported on the backrest so that when the backrest is swiveled from a useful position in a first swivel area the elastic element is deformed before the coupling element acts on the upholstery carrier in at least a further swivel area. In amending claim 1, Applicants have combined limitations from claims 7 and 8, which have indicated to be allowable, with claim 1. Furthermore, in amending claim 1, Applicants have omitted the unnecessary limitations of claims 7 and 8 that have not been indicated in the Office action to be the basis for allowability of claim 8.

Furthermore, Applicants believe that none of the applied references teaches or suggests that the coupling member is connected to an elastic element supported on the backrest so that when the backrest is swiveled from a useful position in a first swivel area the elastic element is deformed before the coupling element acts on the upholstery carrier in at least a further swivel area.

Smuk '679 discloses that the coil spring (106) has to be deformed simultaneously with the

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Bowden cable (38a, 41 and 43) because "an interlock plate member (100) must remain fixed at all time [...] by means of the second biasing coil spring" (*col. 14, lines 5-8, and col. 14, lines 9-39*). Thus, Smuk '679 does not teach or suggest that when the backrest is swiveled from a useful position in a first swivel area the elastic element is deformed before the coupling element acts on the upholstery carrier in at least a further swivel area. Furthermore, Smuk '679 does not teach or suggest that the upholstery carrier is both lowered and moved in the seat longitudinal direction when the backrest is folded (*See FIGS. 10-14 or col. 14, lines 33-39*).

In the seat of Smuk '533, the elastic element is formed by a spring (45) which is used so that "an interlock link member (40) is biased to be in contact with [a] follower (39)" (*col.6, lines 30-35*). The follower (39) causes the movement of the link member (40) while the backrest is folded (*see col. 7, lines 9-13 and FIGS. 3-7*). Thus the deformation of the spring occurs at the same time as the movement of the coupling element, namely the link member (40). Therefore, Smuk '533 does not teach or suggest that when the backrest is swiveled from a useful position in a first swivel area the elastic element is deformed before the coupling element acts on the upholstery carrier in at least a further swivel area.

Applicants also believe that in Taubmann, et al., and WO 00/55002, Liebetrau, et al., with the folding of the backrest R forward, the coupling member K simultaneously unlocks the upholstery carrier T so as to displace the upholstery carrier T. The spring assembly (20a) of Liebetrau, et al., is a part of the locking mechanism for biasing the operating lever 9 and the operating element 20b of the fixing device back to the locked position. (*See col.10, lines 5-11 and col.9, lines 35-43 of Taubmann et al., and col. 9, line 49 to col. 10, line 20 Liebetrau, et al.*). Therefore, Taubmann, et al., also fails to teach or suggest that when the backrest is swiveled from a useful position in a first swivel area the elastic element is deformed before the coupling element acts on the upholstery carrier in at least a further swivel area.

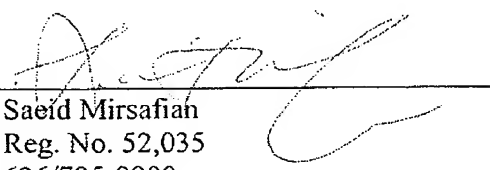
Based on the foregoing, Applicants believe that claim 1, and dependent claims 2-36 are patentable over the cited references.

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Applicants believe that claims 1-36 are now in condition for allowance.

Respectfully submitted,
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